



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/807,120

02/19/97

LEYDEN

R

831.00029

LM02/0919  
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MORTIMER  
500 WEST MADISON STREET  
SUITE 3800  
CHICAGO IL 60661

EXAMINER

WONG, A

ART UNIT

PAPER NUMBER

2735

DATE MAILED:

09/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/807,120

Applicant(s)

Leyden

Examiner

Albert Wong

Group Art Unit

2735



☒ Responsive to communication(s) filed on Aug 11, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The Office action is in response to the request for CPA filed August 11, 2000. Claims 1-14 remain pending. No amendment was filed with the current response.

**Prior rejections withdrawn**

2. NONE.

**Prior rejections maintained**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden in view of Burke and Rankin. The basis substance of the claimed invention is a sensor connected to a multi-conductor cable with in a housing with a means for retracting the cable wherein the cable is ultimately connected to an alarm system.

Regarding claim 1, Leyden discloses the claimed sensor with two states in Figs. 26-28. The claimed multi conductor cable is shown in as item 38. Fig. 1 shows the claimed means for connecting the cable to an alarm system. Leyden does not show a housing with retraction means for extending the cable out of the housing and for urging the sensor to the retraction means. The multi conductor cable serves two purposes. It limits the range of movement of the object and conducts a signal for detecting when the sensor is detached from the object.

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Burke discloses in Fig. 11A the claimed multi conductor cable with retraction means disposed within the housing. The cable conducts a signal to the telephone handset and limits the range of movement of the handset while the retraction means provides the advantage of allowing the range of the handset to be extended while avoiding a tangled cable. At issue is whether one of ordinary skill in the art at the time of the invention would consider it obvious to combine the teachings of Leyden and Burke to create the claimed invention.

Every assertion regarding obviousness requires some degree of hindsight. It is not possible for the prior art to enumerate every possible combination or uses for a product. Thus, the standard of proof is dependent on the fictional knowledge of one of ordinary skill in the art. In the instant case it would be reasonable for one of ordinary skill in the art to be familiar with alarm systems, basic principles of electricity, and various cable and conduction means. Therefore, both the Leyden and Burke references would be within the common knowledge possessed by such a fictional person. But what would have provided the motivation for combining the retraction means clearly designed for a telephone with the sensor means for an alarm system?

Common sense. It is well known that a long cable presents problems such as entanglement. The extensive prior art cited is one indication that this is a problem solved by a retraction means. In fact, that is the primary purpose of the device in Burke. It has been well recognized that it would have been obvious to one of ordinary skill to be aware of solutions to

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problems. The reasoning above should be sufficient for providing motivation for combining the two devices. However, in the interest of completeness, a second line of reasoning is presented.

Rankin discloses a system wherein a retraction means is engaged with a cable that is connected to a protected article. The means allows the cable to be extended to allow the article to be handed, but allows the cable to be retracted when the article is not used. This reference clearly teaches the desirability of a retraction means for a protected article.

In the prosecution of patent '771, applicant had argued that Rankin teaches away from using a retracting means because of damage to the cable. It is noted that Burke seems to have solved the problem because the cable is disclosed as a telephone extension cord.

Therefore, it would have been obvious to combine the cable sensor system with a cable retraction means to create the claimed invention.

Regarding claim 2, Fig. 28 of Leyden shows a sensor with indicating means.

Regarding claim 3, the indicating means in Leyden is a diode.

Regarding claim 4, the cable in Leyden and Burke appear to be a phone cord.

Regarding claim 5, the spool and biasing means are shown in Fig. 11A of Burke.

Regarding claim 6, the claimed housing, cable, sensor, and connector have been addressed in claim 1. The claimed retraction means (claim 1) is essentially the claimed pulley and biasing means. These means are shown in Burke fig. 11A. Thus, the same references teach the same elements and therefore, it would have been obvious to combine the elements to form the claimed invention for the same reasons.

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Regarding claims 7 and 8, these claims recite the same limitations as claims 2 and 3 and are rejected for the same reasons.

Regarding claim 9, Fig. 14-17 shows the attachment of a sensor to a product.

Regarding claim 10, the sensor in Leyden is attached to the cable. The cable in Burke is retracted within the housing wherein the cable is attached to a object. One of ordinary skill in the art would recognize that if the cable were attached to a sensor which itself is attached to an object they would be the only elements between the product and the housing because no other element is necessary.

Regarding claim 11, the claimed housing means with retraction means, multi conductor cable with attached sensor and connection means for an alarm system has been discussed in the rejection of claim 1. This claim provides additional details regarding the electrical path of the cable. Figs. 26-28 of Leyden essentially shown the claimed conduction path

Regarding claim 12, the housing, cable, connector, and retracting mechanism have been discussed in claim 1. The means for attaching the cable to a product is merely a sensor attachment as shown in Leyden. The means for electrically connecting the cable is shown in Figs. 26-28 of Leyden. The retraction system in Burke includes a ratchet. Applicant argues that this is different from the retracting means which continuously urges the cable. One of ordinary skill in the art would recognize that when the retraction means on Burke is retracting the cable it is continuously urging the cable toward the housing. The ratchet merely provides an additional function of permitting the retracting force on the cable to be removed at desired times. It would

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have been obvious that such an additional functionality would be lost if a ratchet were not part of the mechanism. In such a case the cable would be always continually urged toward the housing.

Regarding claim 13, this limitation has essentially been addressed in claim 12.

Regarding claim 14, the pulley in Burke has two hubs for each end of the cable and a spring biasing mechanism for retracting the cable. The cable extends from one hub to the other hub through a plate. Since it has been shown that one end of the cable is wrapped around one of the hubs and that the ends of the cable are attached to a sensor and an alarm, it would have been obvious that one hub would be the sensor hub and the other hub would be the alarm hub.

#### **New rejections**

5. NONE.

6. This is a CPA of applicant's earlier Application No. 08/807,120. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wong whose telephone number is 703-305-8884. The examiner can normally be reached on Monday-Thursday from 8:30-6:00.

If attempts to reach the examiner by phone are unsuccessful, the examiners supervisor Mike Horabik can be reached on 703-305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-8576.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

703-308-9051, (for formal communications intended for entry)

**Or:**

703-305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



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*AW*

**ALBERT K. WONG  
PATENT EXAMINER**

ALBERT K. WONG  
September 16, 2000

**MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
GROUP 2700**

*Michael Horabik*